

PATENT COOPERATION TREATY

From the
INTERNATIONAL PRELIMINARY EXAMINING AUTHORITY

PCT

WRITTEN OPINION

(PCT Rule 66)

To: CHARLES N.J. RUGGIERO OHLANDT, GREELEY, RUGGIERO AND PERLE, L.L.P. ONE LANDMARD SQUARE, 9TH FLOOR STAMFORD CT 06901-2682		Date of Mailing <i>(day/month/year)</i> 10 SEP 1999
Applicant's or agent's file reference 460.1891UPU		REPLY DUE within TWO months from the above date of mailing
International application No. PCT/US98/26284	International filing date <i>(day/month/year)</i> 10 DECEMBER 1998	Priority date <i>(day/month/year)</i> 10 DECEMBER 1997
International Patent Classification (IPC) or both national classification and IPC Please See Supplemental Sheet.		
Applicant PLAYTEX PRODUCTS, INC.		

1. This written opinion is the <u>first</u> (first, etc.) drawn by this International Preliminary Examining Authority.																									
2. This opinion contains indications relating to the following items: <table style="width: 100%; margin-top: 10px;"> <tr> <td style="width: 5%;">I</td> <td style="width: 5%;"><input checked="" type="checkbox"/></td> <td>Basis of the opinion</td> </tr> <tr> <td>II</td> <td><input type="checkbox"/></td> <td>Priority</td> </tr> <tr> <td>III</td> <td><input type="checkbox"/></td> <td>Non-establishment of opinion with regard to novelty, inventive step or industrial applicability</td> </tr> <tr> <td>IV</td> <td><input type="checkbox"/></td> <td>Lack of unity of invention</td> </tr> <tr> <td>V</td> <td><input checked="" type="checkbox"/></td> <td>Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement</td> </tr> <tr> <td>VI</td> <td><input type="checkbox"/></td> <td>Certain documents cited</td> </tr> <tr> <td>VII</td> <td><input type="checkbox"/></td> <td>Certain defects in the international application</td> </tr> <tr> <td>VIII</td> <td><input type="checkbox"/></td> <td>Certain observations on the international application</td> </tr> </table>		I	<input checked="" type="checkbox"/>	Basis of the opinion	II	<input type="checkbox"/>	Priority	III	<input type="checkbox"/>	Non-establishment of opinion with regard to novelty, inventive step or industrial applicability	IV	<input type="checkbox"/>	Lack of unity of invention	V	<input checked="" type="checkbox"/>	Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement	VI	<input type="checkbox"/>	Certain documents cited	VII	<input type="checkbox"/>	Certain defects in the international application	VIII	<input type="checkbox"/>	Certain observations on the international application
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3. The applicant is hereby invited to reply to this opinion. <table style="width: 100%; margin-top: 10px;"> <tr> <td style="width: 15%;">When?</td> <td>See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).</td> </tr> <tr> <td>How?</td> <td>By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.</td> </tr> <tr> <td>Also</td> <td>For an additional opportunity to submit amendments, see Rule 66.4. For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 <i>bis</i>. For an informal communication with the examiner, see Rule 66.6.</td> </tr> </table> <p>If no reply is filed, the international preliminary examination report will be established on the basis of this opinion.</p>		When?	See the time limit indicated above. The applicant may, before the expiration of that time limit, request this Authority to grant an extension, see Rule 66.2(d).	How?	By submitting a written reply, accompanied, where appropriate, by amendments, according to Rule 66.3. For the form and the language of the amendments, see Rules 66.8 and 66.9.	Also	For an additional opportunity to submit amendments, see Rule 66.4. For the examiner's obligation to consider amendments and/or arguments, see Rule 66.4 <i>bis</i> . For an informal communication with the examiner, see Rule 66.6.																		
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4. The final date by which the international preliminary examination report must be established according to Rule 69.2 is: <u>10 APRIL 2000</u>																									

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 14 SEP 1999

Name and mailing address of the IPEA/US Commissioner of Patents and Trademarks Box PCT Washington, D.C. 20231	Authorized officer ALLAN SHOAP Telephone No. (703) 308-1038
Facsimile No. (703) 305-3230	<div style="text-align: right;"> Sheila Vence <i>Patent Specialist</i> <i>Technology Center 3700</i> </div>

WRITTEN OPINION

International application No.

PCT/US98/26284

I. Basis of the opinion

1. This opinion has been drawn on the basis of *(Substitute sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this opinion as "originally filed")*:

☒ the international application as originally filed.

☒ the description, pages 1-12 , as originally filed.

pages NONE , filed with the demand.

pages NONE , filed with the letter of _____.

☒ the claims, Nos. 1-17 , as originally filed.

Nos. NONE , as amended under Article 19.

Nos. NONE , filed with the demand.

Nos. NONE , filed with the letter of _____.

☒ the drawings, sheets/fig 1-7 , as originally filed.

sheets/fig NONE , filed with the demand.

sheets/fig NONE , filed with the letter of _____.

2. The amendments have resulted in the cancellation of:

☒ the description, pages NONE

☒ the claims, Nos. NONE

☒ the drawings, sheets/fig NONE

3. ☐ This opinion has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the ~~Supplemental Box~~ Additional observations below (Rule 70.2(c)).

4. Additional observations, if necessary:

NONE

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V. Reasoned statement under Rule 66.2(a)(ii) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement**1. STATEMENT**

Novelty (N)	Claims	<u>NONE</u>	YES
	Claims	<u>1-17</u>	NO
Inventive Step (IS)	Claims	<u>NONE</u>	YES
	Claims	<u>1-17</u>	NO
Industrial Applicability (IA)	Claims	<u>1-17</u>	YES
	Claims	<u>NONE</u>	NO

2. CITATIONS AND EXPLANATIONS

Claims 1-16 lack novelty under PCT Article 33(2) as being anticipated by Greenwood et al.

Greenwood et al. teach a vent disc for a drinking container having a dome portion 72 and a plurality of slit (figure 17), and depressions having conical shape as shown in figure 17.

Regarding the method claims 14-16, Greenwood et al. meet all claimed limitations with respect to the forming of the vent disc as claimed.

Claim 17 lack novelty under PCT Article 33(2) as being anticipated by Nauta et al. Nauta et al. teach an elastomeric cellular material being pierced by means of driving while the material is being hold on by the apparatus.

----- NEW CITATIONS -----
NONE

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Supplemental Box

(To be used when the space in any of the preceding boxes is not sufficient)

Continuation of: Boxes I - VIII

Sheet 10

TIME LIMIT:

The time limit set for response to a Written Opinion may not be extended. 37 CFR 1.484(d). Any response received after the expiration of the time limit set in the Written Opinion will not be considered in preparing the International Preliminary Examination Report.

CLASSIFICATION:

The International Patent Classification (IPC) and/or the National classification are as listed below:

IPC(6): A61J 9/04 ,9/00; F16K 15/4, B26D 7/06 and US Cl.: 215/11.5, 11.1; 137/845, 849; 425/290, 291; 83/21, 51, 117, 128